G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

190

(Med.)

File No. 67 of 01-02

Serial Nos. 1-3

Papers Filed.

Month _____

SUBJECT.

Complaint against Mr. G. L. Lakshmanasamy
Civil Surgeon. Shimoga

PREVIOUS REFERENCES.	LATER REFERENCES.
Cb. 52 of 01-02 (1-3)F	Med. 68 of 01-02 (1-3)B Med 231 of 02-03 (1-2)B Med 232 of 02 03 (1-2)B Med 35- of 03-04 (1-3)B

That the Compounder was allowed to carry away medicines & give them to outsiders is strange. This (if not permitted) was at any rate Theft for which (irrespective of other Consequences) he shd be duly punished.

~~A report~~ The allegation of wrong medicines being dispensed also requires careful scrutiny, as a slight mistake may result in disastrous consequences.

31/5/1902

The 3rd Councillor

31/5/02 (1144)

The petitioners request for permission to carry on business & expend Rs. 1 lac on a cinema return

3/6

3/6

Submitted.

Councillor wants to know if the petition of advocate Mr Sooba Rao against Mr Lakshman Sharmy Civil Surgeon of Shimoga has been sent as per his orders for report to Dr Benson. If it has not been so sent I am directed to request you to send it

day to Dr Benson
to be [illegible] to leave
for Shimoga today

Cheerio

7/6/02

Bangalore 3rd July 02

Respected Sir,

I respectfully beg to return the accompanying petition to be called for in your D.O of today dated

I beg to remain

Respected Sir,

Your most obedient Servt

A C Muddappa

Subd

May be filed under the circumstances reported after subm to 3rd Cr

3/7/02

Subd to the 3rd Councillor for orders
Col Bancroft's report on the case was submitted yesterday.

4/7/02

4/7/02

(297) Orders for 3rd Cr with the Cr's remarks on the previous case on Rumpf. 7/7

7/7/02

15024 1902

No. 3097

Name of Petitioner K. Rama Rau

~~1st Grade pleader~~

Village Land-lord

Taluk Shimoga

District

Date of Arzi 10th May 1902

Date of Receipt 12

Date of Disposal

No. of Enclosure 2. 1. Postmark a
a annexed Rep
1 Correspondence of
Rep 1st Class Rep
with the Civil Surgeon

Rec'd 31/5/02

Send

The report made by the Dy Comrs of Shimoga on the subject has been sent to the Dewan. In this petition, the petr brings forward some other instances of negligence on the part of the Civil Surgeon of Shimoga in treating patients.

31-5-02

31/5/02

I believe the Senior Surgeon has promised a report on this matter. This petn may be sent to him for investigation & report.

ABSTRACT

States that the public are put to much inconvenience by the unsympathetic mismanagement of the Civil Surgeon Mr Lakshmanarao.

The petn gives instances of the said mismanagement

(1) on the 15th & 17th of February last three valuable lives were lost on account of the negligence evinced by the Civil Surgeon

(2) On the 12th of March 1902, Abdul Gafoor, a Fakir in the Dy Comrs office went to the Civil Hospital & complained to the Civil Surgeon of a lacerating ecchymosis in his eye

MGCPB—4,000—31-1-03.

Thereupon the Civil Surgeon prescribed some medicine which on application caused his face to swell

The petn. gives many other instances of the Civil Surgeons mismanagement & prays that the grievances of the people may be redressed

HB
23/5

The English petn is full of further details

Jo.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No 3097R
DATE 12-5-1902

(1)

3097

H. V. Nanjundayya Esquire M.A. B.L.
Secretary to the Govt. of
Mysore General and
Revenue Departments

Sir

I beg to submit herewith a memorial together with marginally noted Enclosures + request you will be kind enough to place it before the Government for its kind Consideration

I beg to remain
Sir
Your most obedient Servant

K. Rama Row

Shimoga
10th May 1902

1st grade Reader +
Land lord Shimoga

Copy of Govt. in Judl. No 640 for 02 on file of the 1st Asst. + 1st Clk. of this Office

Copies of Correspondence

To.

3097/R
5-1902

The Government

The humble memorial of K. Rama Row: 1st grade Pleader and landlord Shimoga

I beg permission to State here my position in life, for the purpose of placing the following grievance of the public in general in the Shimoga District, before the Government for its kind and favorable consideration—

I am a land lord paying an assessment of about Rs 500/- to Govt: a municipal commissioner of the Shimoga Municipal Board, Honorary Secretary of the Nagar Sabha and also the Honorary Secretary of Government Girls School in Shimoga

I consider that it is the duty of each & everyone of the loyal sub-

of His Highness the Maharaja + more
So in the case of one like my humble
self, to bring to the notice of the Enlightened
Government the existence of any evil or defect
in any one of the Departments of the Administration
I have accordingly made myself bold
to approach the Government with this
representation, seeking redress of the
grievances to which the Public are subjected
by the unsympathetic mismanagement
of the Shimoga Civil Hospital, ever since
the present Civil Surgeon, Mr Lakshmanswami
took charge of the Institution.

We cannot express our gratitude
to our benevolent Government inadequate
words, for having bestowed upon its subjects,
the benefits and the advantages of English
medical treatment by establishing
numerous Institutions throughout the
Province. It would be ungrateful on my
part, if I omit to mention here on behalf
of myself and on behalf of the people
that we enjoyed all the blessings of this
Institution

Institution during the time of the predecessors in office of our present Civil Surgeon

I shall now place as instances in which the mismanagement due to either want of sympathy or negligence on the part of the Civil Surgeon, resulted harmfully to those that sought medical aid :-

Instances

(1.) On the 15th & 17th February last, three valuable lives were lost on account of the apathy and negligence evinced by the Civil Surgeon. At the instance of the same officer, a prosecution was instituted against the Compounder of the Civil Hospital. The facts of the case are fully set forth in the order of discharge passed by the 1st Asst: commissioner & 1st Class magistrate of the Shimoga District in Criminal Case No 64 of 1901-02 and I consider the remarks of the magistrate in the marginally noted paras of the order, regarding the conduct of the medical authorities generally & of the Civil Surgeon in particular deserve consideration

16, 29
31, 32, 37, 49, 58
59, 60, 61, 62

by the Government. It is clear from the evidence of the 1st & 2nd witnesses for Prosecution coupled with Mr. Lakshamansami's guarded admissions that he undertook to treat the poor, unfortunate patients but never treated them properly nor did he condescend to see them even in spite of the repeated requests made on their behalf.

(3) On the 12th March 1902, one Mr. Abdul Gafoor, a munshi in the Deputy Commissioner's office, brother of Mr. Abdul Kareem Sahib, Deputy Conservator of Forests, went to the Civil Hospital and complained to the Civil Surgeon that he felt some burning sensation in his eyes. The Civil Surgeon without only examining the patient, prescribed the marginally noted medicines & asked him to apply the same to his eyes & also to his face. The patient unsuspectingly did so. In consequence, the whole of his face was swollen and it was apprehended that his eye-sight would have been lost, had it not been for the prompt action taken by the unfortunate patient, who at once went to Bangalore on (one & half months') leave and placed himself under the treatment of Dressers Ramaswami Iyengar & Ammoham Moodaliar.

D3, dil ointment & use

Moodaliar in the Victoria Hospital. According to him, these Doctors did not approve of the prescription given by Mr. Lakshmanswami The aggrieved party did not prefer to make any serious Complaint to the proper authorities and quietly put up with his sufferings.

(b) On 6th February last one Palkdiwala boy aged about 18 years, who was then in an Early Stage of pregnancy, wife of one Kharjaji Gowan Rao, living in Big Brahmins Street got fever & cold. With much difficulty the husband of the lady secured the services of Mr. Hanumantha Rao, the Sub Assistant Surgeon, on 1st morning of the 7th. He treated the patient for Plague. At about 10 or 11 A.M on the same day, the Civil Surgeon Mr. Lakshamanswami, came & saw the patient. He expressed that it was not a plague case, & the fever was due to worms. As advised by him the guardians of the lady gave up Hanumantha Rao's medicines and the Civil Surgeon prescribed medicine for worms which was only administered. At the request of the husband of the patient

patient, the Civil Surgeon promised to see her again & do the needful. But unfortunately he never did so, although the poor husband tried his best to secure his attendance. Mr. Hanoomanthaiah, when asked to treat the patient said that as the Civil Surgeon had taken up the case, he would not be right in meddling with it & so no more medicine was given to the patient. The result of this indifference was at 10 P.M there was abortion and immediate death.

(D). Mr. M. Bhavoo Rao, a respectable member of the Bar, on 24th February 1902, found out an apparent mistake committed in the Civil Hospital in the preparation of the medicine for him, & with very good reasons he brought it to the notice of the Civil Surgeon by writing a letter to him. The Civil Surgeon instead of thanking the gentlemen for having pointed out an Error, turned round upon Mr. Bhavoo Rao & replied to him in an insulting manner & even threatened him with judicial proceedings. Mr. Bhavoo Rao has asked me to place his correspondence also before the Government for its consideration,

the

the copies of which are herein enclosed.

(D) Lastly, coming to my own personal grievance, with much reluctance, I am constrained to state briefly here that the medical gentleman in question did not show any sympathy to me, at a time when the life of my dear daughter was at stake & when I entirely depended upon English treatment. I can confidently state that the Civil Surgeon's Coronet in a way leaned to deprive me of the medical help altogether.

I believe that the above cases are only a few of the many instances of the kind which for some reason or other could not be brought to the notice of the public.

As a matter of fact, I know there are many other gentlemen (including officers of the State) who have experienced the unsympathetic treatment at the hands of Mr L. I questioned them as

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to why they did not bring the matter to the notice of the Higher Authorities, to which they said in reply that they had their own difficulties in the matter and that they would be placing themselves in a very delicate & risky position by doing so.

In passing, I may bring to the kind notice of the Government, the case of Mr S.K. Hanoomanthaiah, the Sub. Asst Surgeon, whose alleged apathy to the relative of a dying lady at Davangere was punished seriously by the Government It is not necessary for me to repeat that the negligence, want of sympathy and the unpopularity of the Civil Surgeon Mr Lakshamanswamis are of an obvious nature.

For the foregoing reasons I most respectfully pray that the grievance of the people may be redressed and the Government may be pleased to take such action as it deems necessary to bring in a humane and popular medical admin-

to our Dolorest

K. Rama Row

Shimoga
10th May 1923

Sr. Grade Pleader &
Landlord Shimoga

In the Court of the 1st Assistant Commissioner
and 1st class magistrate
Shimoga District

Present A. Ananda Rao Esqr.
1st class magistrate
Criminal Case no 64 of 1901.02.

Complainant — Accused
Government — Gregory

Order

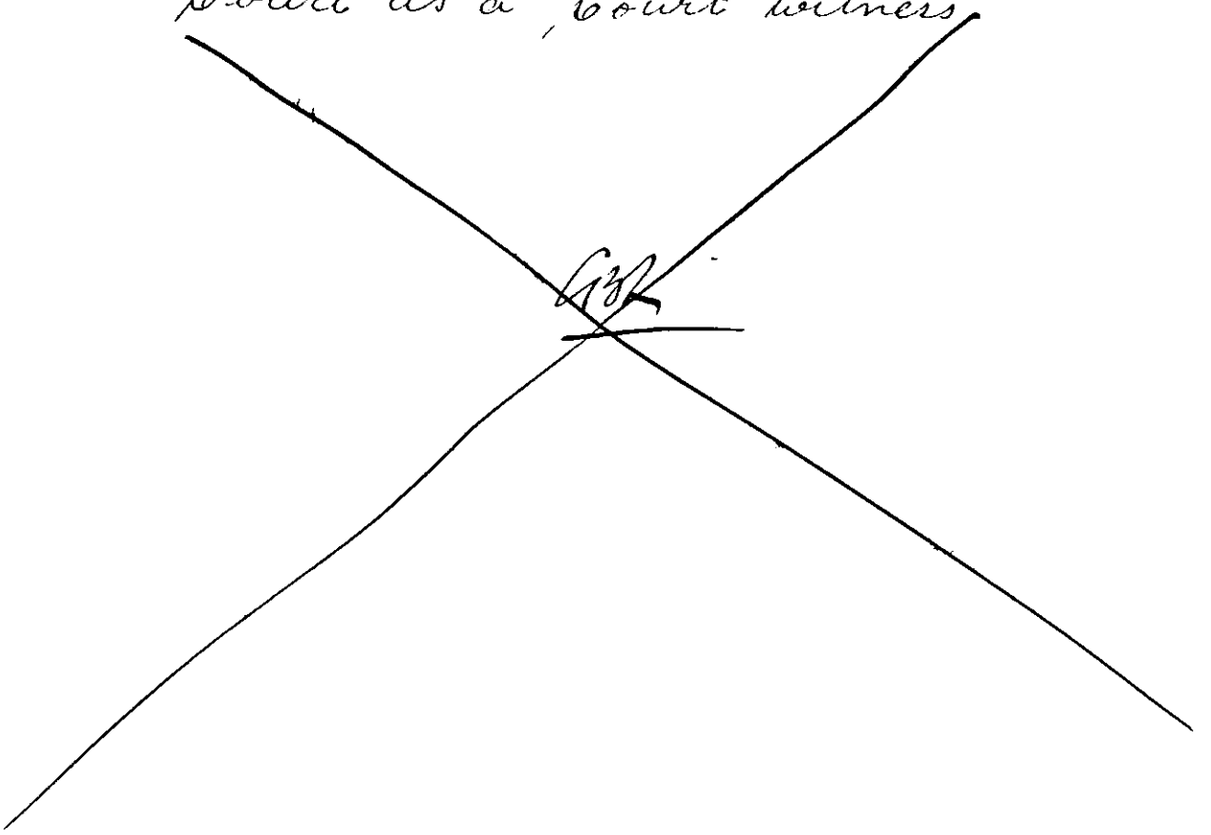
Complaint of an offence under Sec: 304.A. Police Charge Sheet mentions that the deceased Domingo Desouza obtained purgative Salts from the accused — a compounder in the Civil Hospital on the evening of 14th February 902 got Senna leaves from the bazar and on the 15th February 902, prepared a decoction of Senna leaves and put the Salts into it, took a portion of the mixture himself and gave the remaining portion to his two grand children Estiaphana and Paul De Souzas: that shortly after they took ~~they took~~ the medicine all began

I gave 4 drams of Magnesium Sulphas and I cannot say what was done in the house. I cannot say how as per ~~regard to the~~ chemical analyser's report Bismuth Sub nitrate was found in the Viscera of all the three deceased persons; all that I have to say is that I have been a Compounder for the last 22 years: if it had been night time when I gave Salts it might be said that a mistake might have been made, but it was at 4 P.M that I weighed the Salts and gave to the deceased Domingo D'Souza I am not so ignorant as not to distinguish Magnesium Sulphas from Bismuth Domingo was my god-father. There was no enemity between us. This is all I have to say, nothing more.

I gave the medicine without the orders of the Hospital Assistant, Sub Assistant Surgeon or Civil Surgeon because since a long time it has been the practise to give ordinary medicine and then get them entered

in the Registers I gave the medicine & accordingly; further, there is a circular to this effect issued by Lob: McGann. On the day I gave the medicine there was no Hospital Assistant in the Hospital I was sent away, within a quarter of an hour afterwards by the Civil Surgeon to the Session Judge's quarters. It was at 8 P. M I returned. The next morning I was engaged in Compounding work, forgot to get it entered.

7. Dr. M. Sreenivasa Row was Summoned and examined by the Court as a Court witness.



1a

8 On the evening of the 15th February last the Reserve Inspector Subba Rao, in charge of the town also heard that a girl and an old man had died in a house within fifty yards of the Civil Hospital, and opposite to the Civil Surgeon quarters with only a road between them.

9 The Inspector went to the house and learnt that immediately after Domingo Estaphana and Paul Desouza had taken a purgative (Salts brought from the Civil Hospital and Senna leaves purchased in the bazar) all the three became ill vomitted and purged blood and that the two former had died while the boy was still suffering and bad. Subba Rao's next business was to get to the Hospital where he found the boy in the inpatients ward quite

restless, and rolling on the bed and thence to the Shop in which Domingoes Son the first witness for prosecution - had bought Senna leaves for his father, the previous evening. The first witness showed the tin box (or dabba) from which Mylari the Shop Keeper had given the leaves and the latter having also admitted this fact the Inspector secured this box and also a gunny bag containing Senna leaves - the all that was in the Shop. - Next, he went to the Civil Hospital and questioned the accused - a Compounder and were told by him that the previous evening he had given Desouza Domingo a purgative telling him to get Senna leaves from the bazar, there being no supply in the Hospital. With the accused the Inspector went to the Civil Surgeon, told him what he knew until then, and asked that the bottle from which the medicine had been given to the deceased old man, should be handed over to him.

1b

10. The party that is the Inspector the accused and the Civil Surgeon went to the Hospital and there from a Shelf containing medicine bottles the accused took out the one labelled "magnesium Sulphas" and gave it to the Inspector. By that time, it was half past ten in the night, and inquest over the bodies was therefore deferred to the next day, a Constable however being placed at the house to guard it.

11. The Inspector after the inquest was over; finding that the deaths were Suspicious, Sent the bodies for an autopsy and made enquiries of the first witness whether any vomitted or purged matter had been preserved. He was told that this had not been done.

12. It is a great pity that neither the inmates of the house nor the medical officers who were at the house when the patients were vomitting etc made no efforts to Secure evacuations, as these

when analysed would have thrown considerable light on the case which is now obscure.

13. The 6th witness Subba Row whose promptitude in the matter is commendable, secured a winnow and a gunny bag piece soiled with feacal matter, the bottle in which Mr Hanumantha Row the Sub Assistant Surgeon had given medicine and somethings in a tin box from out of which he was told that the old man had taken the powder he put into the decoction made. Of the things in the box and secured we are concerned with a pill box as will be shown later on.

✓ 14. On the 17th morning the boy Paul Desouza died and his body also was sent to the Hospital for post mortem examination. I am constrained to remark here that whatever might be said as to the other two who died on the 15th

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because their condition was not properly diagnosed or understood, and therefore every attempt which should have been made was not made to save them, the want of Sympathy and the omission to make all efforts to save the boy who Survived the other two for more than thirty Six hours by the medical officers is very much to be regretted.

15. We have evidence on record that when the boy was taken to the Hospital for treatment as told by the Civil Surgeon, he did not receive the attention which his Serious condition required and the boy was taken away to the house in consequence of this.

16 It is Shown that while in the Hospital the boy omitted and purged bloody matter. There is no excuse for this not having been preserved as by that time two had died from a complaint Similar to the one the boy was Suffering from.

17 The Sub Assistant Surgeon

held the post mortem examination on all the bodies and his opinion in regard to the cause of the death was defferred till after the receipt ~~from~~ of the Chemical examiner's report, on the analyses made of the things sent to him.

18. Exhibits B. C. and D. are the reports of the Chemical examiner. He found "Bismuth Sub nitrate" in the viscera of the three deceased persons, in the gunny peice and mara soiled with feacal matter, in the bottle found in the 1st witness' house when the Inspector went there, and also in the pill box which was in the deceased Domingo's tin box

19 On the receipt of these reports mr. Hanumantha Rao gave a qualified or conditional opinion, while the Civil Surgeon gave it as his opinion that death was due to "lethal doses of

Bismuth Sub nitrate.

20 On the Strength of this opinion, the police have placed the accused before the Court on a charge of having caused the death of the three persons by rash and negligent act, to wit, by giving Sub. nitrate Bismuth, instead of magnesium. Salphate.

21 The evidence of the 1st witness goes to show that on his going home from the office on the 14th evening his father told him that he had brought Salts from the Hospital, from the accused, and that he should bring Senna from the Bazar; that he went to Mylappe shop and brought a couple of pies worth of Senna leaves and gave them to his father; that his father himself prepared the decoction next morning, took out a pattana or parcel emptied its contents - a whitish ~~brownish~~ powder - into the decoction, drank some of it himself and gave of what remained to his (1st witness') two children, thus leaving nothing

remaining in the China bowl or
cup from which all the three swallowed
the medicine; that half an hour after-
wards his father and Estaphanavomitted
once and the latter complained of
being very restless and asked him
to bring the Roman Catholic priest:
that he went and brought Revd
Foulnais to his house at seven forty five
A. m. that Revd Markham also followed
them shortly afterwards and both
the Revd fathers went and brought
the Sub. Assistant Surgeon Hanumantha
Rao; by that time both Estaphana boi
~~boy~~ and Domingo had purged
and vomitted. the vomitted matter
being reddish that these were
shown to the Sub. Assistant Surgeon
and told of what the patients had done
before ~~the~~ becoming ill: that the
medical officer took him to the
Hospital and told the accused

3 to give some medicine and him to give the same medicine to all the three ~~a~~ to the old man an ounce ~~an ounce~~ and to the children a table Spoonful to each: that at 8-30 all the three were given each a dose of ~~medicine~~ the mixture: that the Sub. Assistant Surgeon came again and saw the condition of the patients and told him to bring milk in which he would put some medicine for the children adding that he should not give the mixture to them, but to repeat it only in the case of the old man: that the medicine ~~and~~ in milk was given thrice to the children and a second dose of the original mixture at 10-30 A.M. to Domingo: that at 12 o'clock the Civil Surgeon went to his house and stood at the door saw his father but not the children in the room though requested to, see them,

who had it with him and got the box opened by the police in his presence on the Sunday when the inquest was held.

25 The treatment for the child was giving Soda water until its death, and to the other two Domingo and Estaphona from 12 O'clock afterwards effervescing powders.

26 The Second witness is the Roman Catholic priest whom the 1st witness took to his father and to whom the deceased Domingo is stated to have said "He had taken often the medicine but never felt like this and a mistake was made in preparing the decoction in the house"? He states that the lock on the tin box was closed by the 1st witness before the key was given to him. We learn from him that Reverend Father went and brought the Civil Surgeon to

4/c to treat the patients, because mr. Hanumantha Rao's treatment had not done any good. The witness had no talk with deceased and except what has been mentioned above the latter told him nothing.

27 The 3rd witness is the Constable who took the bodies from the house to the Hospital and made over to messrs Lakshmana Swamy and Hanumantha Rao.

28. The 4th witness is the Civil Surgeon who states that he was asked on the 15th February, at 12 O'clock, by Revd markham to go and see the three deceased persons who were very ill and when he went and saw he found them all in a state of collapse, that he thought this was, owing to their vomitting and that he accordingly prescribed effervescing powders.

The witness was told that old

man had got purgative Salts from the accused and that as soon as the Same leaves decoction mixed with the Salts had been taken by the three all ~~to Hell~~ took ill The witness saw the evacuation which were mixed with blood. The Civil Surgeon on Seeing the motions and vomitted matter, thought that Some irritant poison must have been given by Mistake as the Symptoms of irritent poison were Seen.

Q. yet the Hospital registers were not examined, the Stock of medicinesies in charge of the compounder not checked, nor was any efficient remedy applied.

The Civil Surgeon was told by the compounder that he had given only 4 drams of magnesium Sulphas.

30 After the post mortem examination was held over the bodies the Civil Surgeon, Sent to the, Chemical examiner bits of gullets of each of the deceased and Stomachs and a pill box given by the police, inter alia when the Chemical examiner reported that he found bismuth Sub nitrate in the viscera, the Civil Surgeon requested him to Say what quantity he found but was told in reply that in medico legal cases no quantitative analysis was made.

31. Mr Lakshmana Swamy found the condition of the patients as he Says, hopeless, and thought it to be due to, Some irritant poison, but did not think it his duty to report to the police because, Says he, the occurrence took place in a private house and not in the Hospital premises, He made

no enquiries whatever, when he went to the 12t witness' house as to whether the patients had been given any medicine This gentleman says that he was taken to the house by Revd father Markham to See the patients ~~and~~ and but did not ask him to treat, that the people about the patients "did not evince any such anxiety?", (that I should treat the patients).

It was only after the Chemical examiner's report came to him, that the Civil Surgeon knew that Mr Hanumantha Rao had prescribed "bismith Subnitrate" for the patients. The witness Saw the boy evacuating blood while in the Hospital ward ~~ward~~ and finding that the hearts action was getting weaker applied the battery.

32 The Civil Surgeon's testimony Shows that the matter was not considered

as Serious as results showed —
and that even after the death of two persons,
no attempts were made either to find
out what medicine could have been
given away by mistake or to save the
boy who seems to have had vitality
to struggle till the 17th February.

33. A next witness, the Sub Assistant
Surgeon, deposes that he went to the
house of the 1st witness, that he
found Domingo, Estaphana and
Paul Desouzas laying down weak
but with pulse normal; that the
vomitted matter was greenish

that he asked the 1st witness and ascer-
tained from him the history of the
case from the Senna leaves brought
to him with some mud and dirt mixed
up with it, that he thought the Symptt.
-oms were due to a strong decoction
of the Senna leaves, that he pres-
cribed for the patients as per Exh H

that he went again in half an hour to the patients' house, learnt that the 1st witness had not brought the medicines to the children and took him to the Hospital and gave the medicines as per Ext J in milk and that having subsequently learnt that the Civil Surgeon had been called in, to ~~the~~ treat the patients, he did not go again to them, except on the 17th morning when finding ~~the~~ the boy Sinking prescribed for him as per Ext K.

34 What he prescribed as a curative was Bismith Sub nitrate, the very drug, which according to the post mortem certificate, must have caused the death of the three persons. Mr. Hanumantha Rao says that had he known that the patients were poisoned already with an excessive dose of this

otherwise harmless drug, he would ~~not~~ not have prescribed it again

35. Between 7-30 and 8 A.M. when Hanumantha Rao saw the patients twice, he did not think they would die but what further symptoms developed afterwards, he could not say, for the simple reason he did not go and see them again that day.

36. The Sub. Assistant Surgeon states that, in the Chemical examiner's report the quantity found in viscera not having been mentioned and he having given Sub nitrate bismuth in medicinal doses, he could not positively say that death was due to an over dose of it.

37. The Sub. Assistant Surgeon says that no Hospital Assistant is warned off for duty always

as is done in other Such institutions and that therefore the key of the Shelf Containing poisons is left in a door Kept in the compounding room to be readily accessible in urgent cases, and that this is done not under his orders.

38 The Compounder the accused has been in Service according to the Civil Surgeon himself for 7 or 8 years and is said to be up to his work. He states that he gave the old man four ~~drops~~ drams of magnesium Sulphate at 4 p.m. On the 14th February that he does not know what was done in the house of the deceased, that he has been a compounder for twenty two years, that he is not a fool

GBL

as is done in other such institutions and that therefore the Key of the Shelf Containing poisons is left in a box Kept in the compounding room to be readily accessible in urgent cases, and that this is done not under his orders.

38 The Compounder — the accused — has been in Service according to the Civil Surgeon himself for 7 or 8 years and is said to be up to his work. He ~~states~~ that she gave the old man four ~~drops~~ drams of magnesium Sulphate at 4 p.m. On the 14th February; that he does not know what was done in the house of the deceased; that he ~~had~~ has been a compounder for twenty two years; that he is not a fool

GBL

not to have distinguished magnesium
Sulphas from Bismuth and and that
he gave the purgative without any
- body prescribing it, because since
a long time it has been the practice
and the circular issued by the then
Senior Surgeon Col Megann authorises
the compounder to give ordinary
medicines". He offers an explanation
for not getting what he gave to the
old man entered in the prescription
Registers the same evening or the next
morning.

39. After the case was closed, in
consequence of the difference of opinion
between the local medical officers
I deemed it necessary to examine
the Bacteriologist and Chemical
examiner Dr. Srecinivas Row. This
gentleman, an expert in such matters
states that the quantity of Bismuth
found in the Viscera etc could not
be mentioned because no Quche
examination was made, and that
Seeing that the purgative was taken
some little time before 7 and before
7-45. Mr Hanumantha Rao prescribed
bismuth and that the old man had
been given two doses of this and the

girl one dose and that these died at 3 and 1-30 p.m. respectively, he could not tell whether the Bismuth Sub Nitrate found in the Viscera was that said to have been taken in the morning or that given by Hanumanthappa later on. It was to have this doubt cleared that I wished to examine him, but we are not a bit more enlightened except that we have his opinion that there was time for the Bismuth in Sub Asst: Surgeon's prescription to have been deposited in the viscera. The learned gentleman says that one of the accused's experience would have easily found out the mistake if he had taken out the Bismuth bottle instead of that containing epsom Salts

40 The above is all the evidence we have on record to sustain the charge against the accused.

41 That the accused gave the old man Bismuth and not Epsom Salts we have no direct evidence to show.

42 The prosecution theory is

that because the chemical examiner found Bismith in the viscera sent to him for examination and therefore 3 persons must have died of an over dose of this drug or in otherwards we are asked to infer that the accused should have given the Bismith and not epsom Salts because the latter would not have produced the Symptoms which appeared afterwards.

43. The evidence of Dr. Sreeni-vasa Rao militates against this inference because in his opinion the Bismith found might be that which was prescribed by our Hanumantha Rao.

44 Where the old man kept the parcel he took from the Hospital as soon as he took it, and whether the powder taken out of the box on the 15th morning was the same he took from the Hospital the previous evening, are matters about which we are completely in dark.

45 Why should this old man have secured in a box under lock and key this purgative is a matter

which is not quite clear to me.

46 To add our difficulties, we have another fact and that is that a small pill box likely to contain a dram of it was found to have some grains of whitish powder which Dr Sreenivas Rao says was Bismuth Sub-nitrate.

47 Which was this? Had the old man supply of it and why? Surely this drug could not have escaped into the pill box (which has a cover) from the parcel taken from the Hospital

48 As already remarked the evidence on record excludes all possibility of the tin box having been tampered with subsequently or before the purgative was taken.

49 If the purged and vomitted matter at the earliest stages had been secured and this did ~~not~~ contain bismuth there would have been no difficulty in attributing its presence to the purgative taken.

50 Is it likely that the old man had, not only the salts he obtained from the Hospital but also some Bismuth powder in a parcel and that by mistake he took out one for the other? in that case we should have found the other powder (natron) but the box was examined by the police

which is not quite clear to me.

46 To add our difficulties, we have another fact and that is that a small pill box likely to contain a dram of it was found to have some grains of whitish powder which Dr Sreenivas Rao says was Bismith Sub-nitrate.

47 Which was this? Had the old man supply of it and why? Surely this drug could not have escaped into the pill box (which has a cover) from the parcel taken from the Hospital

48 As already remarked the evidence on record excludes all possibility of the tin box having been tampered with subsequently or before the purgative was taken.

49 If the purged and vomitted matter at the earliest stages had been secured and this did ~~not~~ contain bismith there would have been no difficulty in attributing its presence to the purgative taken.

50 Is it likely that the old man had, not only the balls he obtained from the Hospital but also some Bismith powder in a parcel and that by mistake he took out one for the other: in that case we should have found the other powder (patna) but the box was examined by the police

on the 16th and every thing which looked like medicine was secured and sent on for examination. There was no other parcel (Patna) found. This was only a pill box which has a label to tell out- which we cannot learn

51 Thus it will be seen that not only it is not made out that the accused gave Bismuth Sub. Nitrate by mistake for Epsom Salts, but even the inference I am asked to draw from the fact of its being found in the viscera is negatived by the fact that the same medicine was medicinally administered subsequently and the quantity found in the viscera &c cannot be ascertained

52 There was found a pill box in the deceased's box which contains some grains of Bismuth and this could hold about a dram according to Doctor Sreenivas Rao This shows that besides the medicine given by the accused the deceased must have had some Bismuth also, with him.

53 The bottle containing Magnesium Sulphate is a big circular one. That containing the

Bismilla Sub Nitrate is a smaller and Squarer one. These bottles as were found by the 6th witness on the 15th February by Inspector Subbarao were shown me in the Hospital on the 3d Instant. Even a blind man can by mere touch make out the difference between these.

54 The contents of the two very dissimilar and easily distinguishable bottles are themselves easily distinguishable both by appearance and touch. Epsom Salts are in Crystall Sparkling and light. Bismith is fine powder and heavy.

55 The time when the purgative was given is admitted to be at 4 in the evening

56 Unless the accused was so drunk as not to have been able firstly to distinguish the bottles & 2ly. to find out on opening out the contents that he made a mistake, it is not possible for him to have made a mistake

Ans

like this That he was not sober that evening there is not even a suggestion

57 Thus it will be seen that beyond the fact that three precious lives were lost- said to be due to a purgative obtained from the Hospital, nothing else in the Case is clear.

58 The evidence on the record has left- an impression on my mind that but- for the prompt- action taken by the Police, on the death of two persons within a few hours of each other becoming known to them, the whole matter would have been hushed up not only by the inmates of the house but- also by the Hospital authorities. I say this because the inmates who knew that after taking what- they believed to be ordinary purgative, bloody vomiting and purging ensued and yet they failed to preserve the evacuations Although the Civil Surgeon came to know at 12 O'clock on the 15th

February that three had become ill after taking a purgative given by the accused and found them in a hopeless condition, he failed to institute any enquiries in the matter, if not in the ends of justice, at least for the credit of the institutions in his charge. The bloody vomiting and purging of the boy in the Hospital was not secured although by that time two persons had succumbed to the same Complaint the boy was suffering from.

59 It is much to be regretted that in a matter which caused the loss of three persons we are not able to say who is responsible ~~to~~ for this.

60 I am afraid all that could have been done to buy and save the boy who survived the effects for 48 hours was not done, even though he was not kept in the Hospital as an inpatient as ordered by the Civil Surgeon. This is still more

to be regretted. I do not know what professional etiquette is, in such matters but speaking as a lay man I would have, although not requested by the relatives afterwards, taken some special interest in the case as well for the sake of humanity as for the credit of the Hospital in particular and the honor of the medical profession in general

61. If no other good has come out of this sad affair let us at least hope that as a result of this prosecution better care will be bestowed on the medicines given and a more efficient system of check than now prevailing will be introduced.

62. In result I find that there are not sufficient grounds warranting my calling upon the accused for his defence and he will be accordingly discharged under Sec: 253 of the Criminal Procedure Code.

Sgd. A. Ammasalai
7.5.02. 1st cl: Magt

True copy

By order

Head Munishe

Copy applied by Mr. K. Rama Rao Pleader

Date of application

Date of Ready

Date of Delivery

Number of words 4532

Copying fee 4-0-0

Comparing fee 0-15-3

Paper cost 0-1-0

Total Rs 5-0-3

Correspondence
also Rel. with
Civil Surgeon

On or about the 24th Feb. 1902 I wrote a letter to the Civil Surgeon, to the following purport

effect —

... on several occasions three mistakes were committed in the compounding of medicines ... by the B. H. by the compounder, during my late illness, I thought I was bound in duty to take the present opportunity to bring to your notice the mistake that had been committed now in the compounding of medicine. I feel also sorry to write this as it is in the nature of a complaint against your compounder. Copy of prescription given. Found the mistake by tasting it, as the same mixture had been given previously & the prescription only repeated on the date of the mistake.

Reasons given to show that it was not a mere mistake but a gross negligence on the part of the compounder

without loss of time, I have written this to you.

The first para of your letter requires to prove the charges against the bombder. My proof consists of (1) the prescription (2) the mixture sent to the Hospital for inspection & (3) my statement as a gentleman. My servant tells me that he showed the mixture to Mr Hanumantha Rao & that he threw it away as directed. I sent the mixture as the best proof. It was shown to Mr Hanumantha Rao & then thrown away as directed.

It is very strange that I should now be asked for proof when the mixture is thrown away as directed. I am sorry you seem to have misunderstood my letter. I never meant to pass any remarks. In fact I have not passed any. I am entitled to bring to your notice any irregularity committed in your Hospital in the dispensation of medicine by your subordinates. The letter was written to you with the best of intentions. It was addressed to the proper individual. It was concerning a matter affecting public interest & myself. It brought to your notice the gross negligence of the bombder with a view that you would take steps to see that there is no more repetition. If you make enquiries elsewhere

M Bhimaiah

you will find that some one intelligent public will corroborate me regarding such mistakes ~~compounded~~ I commit my complaint & get my just redress as required. my justification will be furnished when I deem it necessary.

As to the 2nd para of your letter, I consider the offence contained in it as insulting my sense of sight & taste as are depicted through. I did not think that you did not know of it. I never allude to my sense of sight at all in my letter I have said that I have detected the mistake by taste. If one is given plain infusion thought this taste will at once tell him that there is no acid at all. That is just the case here. There has been no backbiting, no slandering, no defaming, in my conduct in having complained to you on the matter in question. I am sorry that the tenor of your letter does not at all encourage anyone to go to you for redress of

Friend

not yet thought over the question, as to whether I
Compounder may be made liable exam
~~I had to suffer, I presume~~
I have also stated that my Recovery has retarded
consequence of such mistake committed by
Portion of the mixture under question sent to the
Hospital with my servant to the C.H for inspection
Request to take notice of the Compounder's
conduct & to make in future, proper arrange-
ments for preparation of medicines according to
prescription.

Civil Hospital.
Shimoga.
24.2.92.

Dear Sir,

Please give without much loss of
time the charges against the Compounder.

Am I to understand that your senses
Sight & taste are so acute that you can read
detect omissions & additions & changes of media
I shall take serious notice of the Compounder's
conduct, if you only prove, the charges you make
against him. If you can't prove, you should
show the justification for your remarks.

Early reply is requested.

Yours sincerely,

(Sd) L. Lakshmana Rao

Re:

The portion of yesterday's minutes
which you say is sent for my confirmation
was not there. I have not seen it. Initialed

to Mr. Bhaskara Rao Esq,
Pleader,
Shimoga.

25.2.902

Dear Sir,

Please favour me with a
reply to my D.O. of yesterday's date
regarding your complaint against the
Hospital Assistant.

Yours truly,

(Sd)

To
Mr. Bhaskara Rao Esq
Pleader, Shimoga.

Copy of reply to the Civil Surgeon

25/2/902

Dear Sir,

By your yesterday's
by your D.O. letter dated yesterday

Hoping that this may be satisfy you,

(Sd) M

Reply by the Civil Surgeon.

Shimoga
C. N.
25-2-1902

Dear Sir,

I have your letter of this date to hand.
As the matter in question is one affecting public
interest, I shall not rest contented till I see justic
done to all. You may at once give up the idea
that it is of no use to go to me for redress of grieva
I shall at my earliest convenience place the
matter before the Court of Law, when perfect ju
will be done to you, the Compounder, & myself.
What more justice can you expect than this? I h
you will then consider your grievances fully
redressed. Believe me

Yours Sincerely
(Sd) L. Lakshman

To
M. Bhavoorao Esq/
Pleader,
Shimoga.

M Bhavoo Rao

81. 2

No 18970 87 6-02.
Mus 2837

(3)

MYSORE DEWAN'S OFFICE.

~~PETITION DEPARTMENT.~~

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3097
dated the 12th May/02 received at the
Dewan's Office from One Mr. K. Rama
Rau 1st Grade Pleader,
Shimoga, bringing to notice certain
instances of negligence, want of
sympathy &c on the part
of the Med. Officers of the Shimoga
Distt
is forwarded, together with its two
enclosures, to the Senr Surgeon
and Sanitary Commr with
the Govt of Mysore for enquiry
and report. (His decision
2. The charges are of a
serious nature.

By order,

BANGALORE,
189

Secretary.

6/6/02

81.3.

From

Lt. Col. Percy H. Benson M.B, I.M.S,

Senior Surgeon and Sanitary Commissioner

with the Government of Mysore Bangalore

To,

H. V. Nanjundayya Esq. M.A, M.L,

Secretary to the Government of Mysore

General and Revenue departments, Bangalore

No /

Dated 1st July 1902

Sir,

With reference to Petition No.3097 dated 12th May 1902 received from your office with No.18970/Mis.2837 of 7-6-02, bringing to notice certain instances of negligence, want of sympathy etc on the part of the Medical Officers of the Shemoga District, I have the honor in reply to state, that when I went to Shemoga on 8th June to hold a departmental enquiry into the aspersions made against the Civil Surgeon & members of the Civil Hospital by the Assistant Commissioner and 1st Class Magistrate in his judgment in connection with the case of poisoning, & I took the opportunity whilst there of making private enquiries as to the petition submitted by Mr.K.Rama Rao (the one in question) I was informed that he had been going the round of the town endeavouring to rake up any instances of negligence etc on the part of the Medical Officers.

The main charges against the Medical Officers in the petition under review are connected with the case of poisoning, and my report as to their conduct in this case, has been submitted to Government. The petitioner has in my opinion gone out of his way to try and take an unfair advantage of the Medical Officers at a time when he knew they were in trouble & as such I am of opinion the petitioner is not entitled to much Consideration

I have the honor to be

Sir,

Your most obedient servant

Percy H. Benson

Lt.Col.I.M.S.

Senior Surgeon and Sanitary Commissioner

Mysore Government.

Ins 4.

190 7

1902

From

To

H. V. Ranjundayya Esqr. M.A, B.L
Secretary to Govt:
General & Revenue Depts
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No.

Offering opinion re the charges brought against the Medical Officers of the Shimoga District by one Mr. K. Rama Rao